IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

WP(C).No. 33400 of 2006(A)

PETITIONER:

P.A.SHOUKATHALI, S/O.ABDU RAHIMAN,
AGED 48 YEARS, KAIRALI HOUSE,
KAROOR, AMBALAPUZHA, ALAPPUZHA DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS:

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1. THE DEPUTY CHIEF ENGINEER (APTS),
K.S.E.B., VAIDYUTHI BHAVAN,
THIRUVANANTHAPURAM.

2. THE ASSISTANT ENGINEER,
A.P.T.S., K.S.E.B.,
ERNAKULAM.

3. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION, KARUVATTA,
ALAPPUZHA DISTRICT.

S.C. FOR K.S.E.B. SRI. JOSE J. MATHEIKAL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN, J.

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W.P.(C) NO. 33400 OF 2006

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DATED THIS, THE 15TH DAY OF DECEMBER, 2006.

J U D G M E N T

Aggrieved by Ext.P3 demand, petitioner preferred an appeal as per Ext.P8 before the first respondent, the Deputy Chief Engineer (APTS) which is pending consideration. In the meanwhile, he had also approached the Deputy Chief Engineer, Electrical Circle, Alappuzha by preferring Ext.P4 representation, who, in turn, ordered reconnection on payment of 25% the demand which, he has complied with. Towards the balance amount petitioner was granted some installment facilities. True copy of the said order is produced as Ext.P5 in this writ petition.

2. According to the petitioner, there is no decision rendered on the merits of the contentions raised regarding his liability to pay such a high amount. According to him, the The Anti Power Theft Squad conducted an inspection and an alleged theft was detected and his supply was disconnected. Since the petitioner has got a right of statutory appeal before the Deputy Chief Engineer of the concerned Circle and in the absence of any consideration of the merits of the contentions raised, he pleads that appropriate direction be issued regarding the balance amount

directed to be paid especially, after taking into consideration the fact that he has already paid an amount of Rs. 64,126/- which is more than one third of the amount and mould the relief accordingly.

In the facts and circumstances, since the petitioner has paid an amount of Rs. 64,166/- there will be a stay of collection of the balance amount demanded as per Ext.P3. In case the petitioner files an appeal before the Deputy Chief Engineer of the concerned Circle, he will consider the same on merits and pass appropriate orders, after affording an opportunity of being heard to the petitioner.

The writ petition is disposed of as above.

P.R. RAMAN,
(JUDGE)

knc/-